



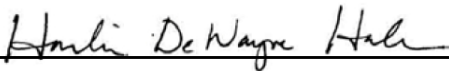
CLERK, U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS

**ENTERED**

THE DATE OF ENTRY IS ON  
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed November 10, 2020

  
United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

IN RE:	§	Chapter 11
	§	
TUESDAY MORNING	§	CASE NO. 20-31476-HDH-11
CORPORATION, et al. <sup>1</sup>	§	
	§	Jointly Administered
	§	
DEBTORS.	§	Final Hearing Set
	§	November 10, 2020 at 1:30 P.M.

**AGREED ORDER GRANTING RELIEF FROM THE AUTOMATIC STAY TO  
PROCEED WITH STATE COURT LITIGATION  
(Pertains to Docket No. 565)**

On August 7, 2020, **Eleanor L. Prink** ("Prink"), a personal injury claimant, filed her Motion for Relief from Automatic Stay to Proceed with State Court Litigation against the Debtor's Liability Insurance Coverage and Non-Debtor Defendants [Docket No. 565] (the "Motion"). The Debtor, Tuesday Morning, Inc. (the "Debtor")<sup>2</sup>, filed a timely response in opposition. The Court set

<sup>1</sup> The Debtors in these Chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number include: Tuesday Morning Corporation (8532) ("TM Corp."); TMI Holdings, Inc. (6658) ("TMI Holdings"); Tuesday Morning, Inc. (2994) ("TMI"); Friday Morning, LLC (3440) ("FM LLC"); Days of the Week, Inc. (4231) ("DOTW"); Nights of the Week, Inc. (7141) ("NOTW"); and Tuesday Morning Partners, Ltd. (4232) ("TMP"). The location of the Debtors' service address is 6250 LBJ Freeway, Dallas, TX 75240.

<sup>2</sup> As used herein, the term "Debtor" also includes any of the other Debtors in these Chapter 11 cases.

a final hearing on November 10, 2020 to consider the Motion. In advance of the hearing, Prink and the Debtor announced that they had reached agreement (the “Agreement”) regarding the resolution of the Motion and the consensual termination of the automatic stay as to Prink’s claim.

The terms of the Agreement between Prink and the Debtor are set forth below:

1. Prink is a personal injury claimant who sued the Debtor, among others, in the Circuit Court of the State of Oregon, County of Marion, on April 17, 2020, in Case No. 20-CV-15747 for bodily injuries alleged suffered at a Tuesday Morning store in Salem, Oregon on or about April 21, 2018 (the “Oregon Lawsuit”);
2. Prink shall have a timely filed, but disputed, general unsecured claim against the Debtor for the claims she has asserted in the Oregon Lawsuit (the “Prink Claim”);
3. The automatic stay of 11 U.S.C. § 362(a) shall terminate as to the Prink Claim and the Oregon Lawsuit on the earlier of December 31, 2020 or the Effective Date of the Debtor’s Amended Joint Chapter 11 Plan of Reorganization [Docket No. 1494], as it may be further amended or modified (the “Plan”);
4. Upon termination of the automatic stay, as set forth herein, the Oregon Lawsuit may resume as to Prink and the Debtor without restriction, subject to applicable Oregon law;
5. The Debtor and Prink reserve all rights, claims, and defenses in the Oregon Lawsuit. This Agreed Order is not intended to compromise, settle, or otherwise affect the rights of the Debtor and/or Prink as to the prosecution, trial, appeal, settlement or other resolution of the Oregon Lawsuit;
6. To the extent that Prink recovers from the Debtor in the Oregon Lawsuit by way of litigation, settlement, ADR procedure or otherwise, her resulting claim against the Debtor, if any, will be treated under the Plan as an allowed Class 5 General Unsecured

Claim.<sup>3</sup>

The Court has reviewed the parties' Agreement set forth above. The Court finds that the Agreement is an appropriate resolution of the Motion and should be approved.

Good cause appearing, it therefore ORDERED that:

1. The Agreement is approved;
2. The Motion is hereby granted as modified by the Agreement; and
3. This Agreed Order is final.

\*\*\* END OF ORDER\*\*\*

**AGREED AS TO FORM AND CONTENT**

**WHITAKER CHALK SWINDLE & SCHWARTZ PLLC**

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<sup>3</sup> If the numbering of Classes changes in any amendment or modification to the Plan, the resulting Prink claim shall be treated the same as the claims that are in Class 5 under the current iteration of the Plan [Docket No. 1494].